(13)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 2018 OF 1999

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER: Rakesh Gorha, son of Shri Kailash Chand Gorha, aged 37 years, occupation service presently posted as Junior Auditor, M.P.State Marketting Board at Bilaspur, resident of C.A.270/8 Ram Kishore Nagar, Bilaspur.

VERSUS

RESPONDENTS:

1. The Government of M.P., through Secretary, department of Agriculture, Vallabh bhawan, Bhopal.

2. The Managing Director, Mandi, M.P.State Agricultural Marketting Board, Kisan Bhawan, Arera Hills, jail road Bhopal.

3. The Commissioner/Director, Mandi, M.P.State Agricultural Marketting Board, Kisan Bhawan, Arera Hills, Jail road, Bhopal.

4. The Deputy Secretary, M.P.State and Agricultural Marketting Board, Bilaspur Divisiona, Bilaspur.

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 2018 of 1999

Petitioner — Rakesh Gorha

Versus

Respondents — The Govt. of M.P. (now C.G.) & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Indra Sen Sahu, Advocate for the petitioners.

Shri Sushil Dubey, Govt. Advocate for the respondents.

ORDER

(Passed on this 19th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Junior Auditor in the M. P. State Agricultural Marketing Board was transferred from Bilaspur to Jagdalpur on the same terms and conditions vide impugned transfer order dated 25.2.1999 (Annexure P/7).
2. This Court vide interim order dated 5.5.1999 directed that if the petitioner was still continuing at Bilaspur he should not be relieved pursuant to the transfer order.
3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. The respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge